

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:92CR14
	)	
v.	)	
	)	
CLEVELAND JOHNSON,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's notice of appeal (Filing No. 1039). The Court notes defendant has not paid the appeal fee; nor has any motion to proceed *in forma pauperis* has been received. The Court will permit defendant to proceed on appeal *in forma pauperis*. However, defendant has not made a substantial showing of the denial of a constitutional right, and no certificate of appealability will issue. Accordingly,

IT IS ORDERED:

1) Defendant is permitted to proceed on appeal *in forma pauperis*.

3) No certificate of appealability will issue.

DATED this 11th day of January, 2007.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court